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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/705,835

11/13/2003

Toshikazu Morisawa

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09/28/2006

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER  
LLP

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WASHINGTON, DC 20001-4413

EXAMINER

CONNOLLY, MARK A

ART UNIT

PAPER NUMBER

2115

DATE MAILED: 09/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                 |  |                     |  |
|------------------------------|-----------------|--|---------------------|--|
| <b>Office Action Summary</b> | Application No. |  | Applicant(s)        |  |
|                              | 10/705,835      |  | MORISAWA, TOSHIKAZU |  |
|                              | Examiner        |  | Art Unit            |  |
|                              | Mark Connolly   |  | 2115                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 July 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 and 6-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/10/06</u> .   | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. Claims 1-4, and 6-16 have been presented for examination.
2. Applicant's arguments with respect to claims 1-4 and 6-16 have been considered but are moot in view of the new ground(s) of rejection.

#### *Claim Rejections - 35 USC § 102*

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 1, 7 and 13-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Sugahara<sup>1</sup>.
5. Referring to claim 1, Sugahara teaches the apparatus comprising:
  - a. an operating mode setting unit configured to set the operation modes [col. 5 lines 43-48].
  - b. a time setting unit configured to set time information for carrying out each operation mode [col. 12 lines 46-50]. In particular, Sugahara teaches managing the setting and management of the power save modes. It is therefore interpreted that the server comprises a time setting unit for setting times associated with the different operation modes. This interpretation is further apparent in fig. 11 wherein the different clients set different operating modes at different times. This leads to the interpretation that the scheduling of the different operation modes are not static and that different operation modes are set in accordance with a time deemed to be appropriate.

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<sup>1</sup> As cited in the previous office action.

c. an operation mode acquisition and determination unit configured to acquire a current operation mode and to determine whether the current operation mode corresponds to a desired operation mode, based upon the time information set by the time setting unit and current time [col. 6 line 66- col. 7 line 8 and col. 7 lines 20-28]. In particular, when changing over to a scheduled power save operation mode, status information is received representing a current operation mode. If it is determined that the current operation mode does not correspond to a desired operation mode (i.e. the scheduled power save operation mode) a reissue of the power save mode control is made to change to the desired power save operation mode. By definition, a scheduled event occurs when a current time reaches a preset time.

d. a control unit configured to carry out an operation mode changeover to change to the desired operation mode if the determination unit determines that the current operation mode does not correspond to the desired operation mode [col. 5 lines 60-63 and col. 7 lines 13-19].

6. Referring to claim 7, this is rejected on the same basis as set forth hereinabove.

Furthermore, Sugahara teaches selecting one of a plurality of power saving modes to execute in accordance with a scheduled time [col. 5 lines 43-48 and col. 11 lines 53-62].

7. Referring to claims 13-16, these are rejected on the same basis as set forth hereinabove.

Sugahara teaches the apparatus and therefore teaches the method performed by the apparatus and program implementing the functionality of the apparatus.

*Claim Rejections - 35 USC § 103*

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8. Claims 2, 3, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugahara as applied to claims 1, 7 and 13-16 above, and further in view of Microsoft, Use Power Schemes for the Tablet PC<sup>2</sup>.

9. Referring to claims 2, 3, 8 and 9, although Sugahara teaches operating in a low power mode during scheduled times, it is not explicitly taught how the system reduces its power consumption. Microsoft explicitly teaches turning off a monitor and/or hard drive in a power conservation mode when no operation of the computer is made beyond a time period shorter than a time period when not in a power conservation mode [page 3]. Because Sugahara is concerned with adjusting a systems power consumption in accordance with a schedule, it would have been obvious to one of ordinary skill in the art to adjust the time periods between turning off a monitor and hard disk during a power save mode because Microsoft teaches that this will optimize power performance within the computer system [page 1].

10. Claims 4, 6, 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugahara as applied to claims 1, 7 and 13-16 above, and further in view of Nakai<sup>3</sup>.

11. Referring to claims 4, 6, 10 and 12, although Sugahara teaches operating in a low power mode during scheduled times, it is not explicitly taught how the system reduces its power consumption. Nakai explicitly teaches that power can be conserved in a power saving mode by reducing a disk rotation speed [col. 18 lines 12-20]. Because Sugahara is concerned with adjusting a systems power consumption in accordance with a schedule, it would have been obvious to one of ordinary skill in the art to reducing a disk rotation speed during a power save mode so that power consumption can be minimized.

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<sup>2</sup> As cited in the previous office action.

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12. Claims 5 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugahara as applied to claims 1, 7 and 13-16 above, and further in view of Yamanaka<sup>4</sup>.

13. Referring to claims 5 and 11, although Sugahara teaches operating in a low power mode during scheduled times, it is not explicitly taught how the system reduces its power consumption. Yamanaka explicitly teaches that power can be conserved by throttling a processor speed rather than running a processor fan [abstract]. Because Sugahara is concerned with adjusting a systems power consumption in accordance with a schedule, it would have been obvious to one of ordinary skill in the art to cool a processor via fan during times where power saving is not a concern in order to allow the processor to operate “normally” and throttling a processor speed rather than running a processor fan during times when the system is scheduled to enter a power save mode so that power consumption can be minimized.

### *Conclusion*

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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<sup>3</sup> As cited in the previous office action.

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Connolly whose telephone number is (571) 272-3666. The examiner can normally be reached on M-F 8AM-5PM (except every first Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C. Lee can be reached on (571) 272-3667. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mark Connolly  
Examiner  
Art Unit 2115

mc  
September 20, 2006

A handwritten signature in black ink, consisting of a large, stylized loop followed by a horizontal line extending to the right.

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<sup>4</sup> As cited in the previous office action.